

**UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF OKLAHOMA**

(1) DUSTIN LANCE,

Plaintiff,

v.

Case No.: CIV-17-378-RAW

(2) BOARD OF COUNTY
COMMISSIONERS OF
PITTSBURG COUNTY, OKLA.,
et al.

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT DESIGNATIONS FROM
THE TRIAL DEPOSITION OF DR. STEPHEN CONFER**

Plaintiff Dustin Lance provides the following Motion for Leave to Submit Designation from the Trial Deposition of Stephen Confer. In support of this request, Plaintiff would state the following:

1. On March 9, 2023, the Court issued its Order setting remaining deadlines in this case, including a trial date set for April 24, 2023. [Doc. #277].
2. Plaintiff's listed Dr. Stephen Confer on its witness and exhibit lists, disclosures, and pretrial witness list with the intention and plan of calling Dr. Confer live at trial.
3. On the same date as the Order issued setting the trial date, Plaintiff immediately informed the physician representative to let her know the trial date and to coordinate testimony.
4. On March 20, 2023, the representative for Dr. Confer informed Plaintiff that he would not be available to testify the week of trial, until potentially Friday.

5. On March 24, 2023, Plaintiff filed his Motion for Leave to Take the Trial Deposition of Dr. Stephen Confer. [Doc. 290].
6. On March 27, 2023, the Court granted Plaintiff's motion by Minute Order. [Doc. 292].
7. Dr. Confer's trial deposition was attended by all parties on April 3, 2023, beginning at 5:00 p.m in Tulsa, OK. The deposition was recorded by video and court reporter.
8. Due to the unavailability of Dr. Confer for trial beginning on April 24, 2023, Plaintiff is requesting leave to submit designations for purposes of use at trial.
9. A proposed order is being submitted with this motion.

s/Steven J. Terrill _____
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